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May 2, 2005

Honorable Nancy Gertner  
U.S. District Court  
One Courthouse Way  
Boston, MA 02210

Re: McGuinness v. TXU Energy Solutions LP, et al  
C.A. No. 04CV11170-NG

Dear Judge Gertner:

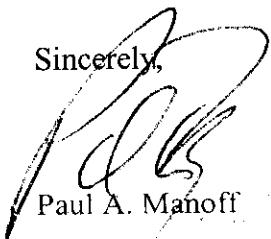
This matter is before you on May 5 for a settlement conference. You asked me to provide you with the out of pocket damages my client has incurred as a result of his layoff in July, 2003. My client is alleging unlawful retaliation, in that only a few days after complaining in writing as to racial discrimination (the discrimination was leveled at plaintiff's boss, an African-American), plaintiff was laid off.

At the time of his layoff plaintiff was earning about \$60,000 a year plus benefits and bonus. Disregarding his expected yearly bonus, plaintiff's compensation was worth about \$75,000 if benefits are estimated at the standard 25%. Plaintiff would have been laid off 7 months later, anyhow, as defendant laid off all or mostly all of the other similarly situated employees at the time. Plaintiff's special damages include 7 months back pay, \$43,750, as well as the retention bonus (\$40,000) and severance pay (6 months, \$30,000) that the remaining project managers received after July, 2003. Accordingly, plaintiff's special damages approximate \$113,000. Plaintiff has made a settlement demand of \$150,000.

I hope that this information assists you in facilitating the May 5 conference.

Thank you for your assistance.

Sincerely,



Paul A. Manoff

PAM:cpj

Mcguinness\lct3